

## WALPOLE PLANNING BOARD MINUTES OF FEBRUARY 7, 2013

A regular meeting of the Walpole Planning Board was held on Thursday, February 7, 2013 at 7:00 p.m. in Room 112. The following members were present: Edward Forsberg, Chairman; Richard Nottebart, Vice Chairman; John Murtagh, Clerk; John Conroy, Richard Mazzocca, Margaret Walker, Town Engineer.

**Minutes:** Mr. Forsberg moved to accept the minutes of January 17, 2013. Motion seconded by Mr. Nottebart and voted 5-0-0.

**Time Cards:** Mr. Forsberg moved to approve the secretary's time cards. Motion seconded by Mr. Nottebart and voted 5-0-0.

**FinCom Meeting:** It was agreed to cancel the scheduled March 7<sup>th</sup> meeting scheduled with the Finance Committee as we have public hearings scheduled for that night.

**Warrant Articles:** It was agreed to schedule the public hearing for the Fall town meeting articles at 8:00 p.m. on March 7<sup>th</sup>.

**7:15 p.m. Walter and Barbara Foley, Deerfield Drive Street Discussion:** Mr. Forsberg asked the board secretary to try and locate the bond. Mr. Conroy suggested that the Foleys make an appointment with the Selectmen to discuss their course of action. Mr. Nottebart suggested that we send whatever back up information we have to the Selectmen prior that meeting. Mr. Conroy moved to forward any back up information to the Selectmen. Motion seconded by Mr. Nottebart and voted 5-0-0.

**7:30 p.m. Solar Overlay Filing Fee Discussion:** Dan Merrikin and Stephanie Mercandetti were present to discuss the filing fee. Mr. Forsberg stated that if they use the board's fee schedule presently in place the fee would be approximately \$35,000. Mr. Merrikin stated they are not talking about buildings; it is just a field of grass. Mr. Conroy stated our fee is based on new construction and this is a manufacturing facility outside. He suggested we talk to the Building Inspector to see how he views this. Mr. Merrikin stated he has already talked with him. Mr. Mazzocca asked if there is a time deadline and Mr. Merrikin stated they want to file in a few weeks. They could pay the base fee and then fix it if necessary. Ms. Mercandetti stated that not all towns have incremental cost fee schedules. Mr. Merrikin stated there will be no traffic or parking generated. Mr. Forsberg stated we need to get information from the Building Inspector prior to our next meeting. He placed this on the board's February 21<sup>st</sup> agenda for follow up.

Mr. Merrikin stated the entire site will be graded. It doesn't need to be flat. It was agreed to ask the Building Inspector how he is approaching the fees for the solar overlay district. We are trying to come up with a fee schedule and we would like to it to coincide with his. Mr. Conroy questioned the Attorney General's comments that were made when the article was sent for review and approval. He asked Ms. Mercandetti if town counsel wants us to proceed with this because of those comments. She stated she hasn't talked to town counsel yet.

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**7:55 p.m. Ellen Rosenfeld, Niden Woods Discussion:** Ms. Rosenfeld stated that all the lots are sold and are being lived in, but they didn't build all the houses themselves. She will be going for street acceptance at the next town meeting and did as much as they could before the cold weather set in. She does need to put in a sidewalk to connect Hummingbird Lane to Lorraine Road as agreed. She stated there is still \$215,000 in two Tripartites, \$78,000 in one (drainage bond) and \$136,000 (subdivision bond) in the other and she would like some money back and also some determination from the board regarding fencing and street trees. She has asked Ms. Walker to review the bonds, but she only reviewed one of them. She is prepared to finish up and has agreed with Ms. Walker's schedule, but would like a determination from the board. She is trying to be done with this subdivision. She stated that the people on the street don't want trees planted. Rick Merrikin stated the subdivision is 99% complete. Ms. Walker asked the slope of the wall and Mr. Merrikin stated 1 ½ to 2' but steeper at the top.

Mr. Conroy stated that regarding Ms. Rosenfeld's statement that the neighbors don't want street trees, she should not be speaking for anyone that is not present at the hearing or who has not written a letter stating to us their concerns. Two years ago, she had said she would be ready for the Fall 2012 town meeting and she still isn't done. Further, the sidewalk has been a part of this subdivision since 2002. People have built whatever they want and now Ms. Rosenfeld is asking us to go along with that. To ask us to grant waivers is impossible as it involves private property and each person would need to get a letter from their bank. Ms. Rosenfeld asked what bank and Mr. Conroy stated the bank for each individual lot. We need a letter from each individual's bank saying they agree with any change from the approved plan. Mr. Merrikin stated they will get whatever letters they can. Ms. Rosenfeld stated she doesn't think that will happen, so she will just build what is required. The only reason she is here tonight is because the bond is in her name. Mr. Forsberg agreed with Mr. Conroy and asked why bother to do a plan if you are not going to follow it. Mr. Forsberg asked if the only thing left is to build out two lots and Mr. Merrikin stated there is the issue of street trees and the path. He asked if the board is okay with returning some money to Ms. Rosenfeld. Mr. Conroy asked about the as-builts and Mr. Merrikin stated they are almost done. Ms. Rosenfeld stated she will plant the trees, go ahead with the fences and will give the board an extension of time. Mr. Forsberg asked if the board would consider releasing \$59,000 from the subdivision Tripartite. Mr. Merrikin stated they can't do the sidewalk until April 1<sup>st</sup>. He gave the board an extension of time up to and including August 31, 2013.

Mr. Mazzocca moved to reduce the subdivision bond by \$59,000 as per request of the applicant and recommendation of the town engineer. Motion seconded by Mr. Murtagh and voted 4-1-0 (Mr. Conroy voted in the negative).

Mr. Forsberg moved to accept an extension of time up to and including August 31, 2013. Motion seconded by Mr. Nottebart and voted 4-1-0 (Mr. Conroy voted in the negative).

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**8:40 p.m. The League School, Case No. 12-13:** Mr. Forsberg read the public hearing notice. The applicant was represented by Atty. Philip Macchi II. Also present was Frank Gagliard and Mike Sullivan from The League School and Mike Fabiano, Al Fine and Chuck Houy, architect and site engineers.

Mr. Macchi stated this is a Route 1 project and most of the site is zoned Business as it did not get switched to HB; therefore, the required buffer is 26', not the 40' as required by HB. Mr. Murtagh stated he would like to see a landscape design plan as he is not impressed with what is proposed.

Frank Gagliard, Executive Director of the League School stated they have been in existence for 46 years working with 85-95 autistic children per year. A student can now attend this school until 22 years of age; but the school that was built in 1999 was for smaller children and they now need more space. They are not expanding the number of students; they are just improving the building and the capacity for those kids to become independent. They want a new library, an independent living center with a bathroom, kitchen, etc. where they would learn to become independent; however, they would not actually live at this center. It would only be used during the day to prepare them to live on their own. Office and classroom space is a major issue. They have a 2-1 ratio plus a supervisor and when sleeping there it is a 4 to 1 ratio plus a supervisor. The campus will reduce traffic on Route 1 and on Moosehill Road as they can queue everyone at the same time. This has been approved and funded by the State of Massachusetts. Mr. Murtagh thanked them for their incredible work.

Albert Fine, Fine Associates, stated they are the architects for the original building. He discussed the buildings and the Educational Living Center (ELC).

Mike Fabiano, High Point Engineering: stated the addition to the school and the addition of the ELC are the two biggest things being proposed. They need more activity space. He stated they will use impervious pavers at 250 Moosehill Road. He stated the site is very tight. The parking lot services both buildings and they are proposing an increase of 30 spaces so circulation will be improved. They have a traffic consultant, Ron Mueller. There are 35 vans or busses that access the site within a 45 minute time frame. The site is serviced by water, electric, gas. The drainage was challenging. There is an underground detention basin that is on site.

They have spoken with Ms. Walker and addressed her comments. They will submit revised plans. One outstanding item is the address of the building, which comes down to input from E911. Mr. Forsberg read comments from the other boards and committees. Ms. Walker reviewed her comments and is waiting for revised plans. Ms. Walker stated she needs as built, they will work out the address with E911, and the out front directory sign needs to be changed.

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Mr. Forsberg stated there is no turn around by 250 Moosehill Road. Mr. Fine stated there will be one. Mr. Forsberg questioned a turning lane and Mr. Macchi stated that has been discussed, but they are not allowed to do that. They would even have liked a de-acceleration lane. Mr. Mazzocca asked if there are any residents of Moosehill Road, Hale Road or Sandra Road. Mike \_\_\_\_\_, 7 Moosehill Road stated he is concerned that with access to the new resident home and the proposed plan for an Affordable Housing complex up the street there could be a problem. Mr. Mazzocca asked if there are any concerns from other people who live in the area and Mike \_\_\_\_\_ stated not that he knows. His concern is the traffic and environmental impact. Mr. Conroy stated the building is in a nice spot and has never heard any complaints. He has no issues with anything that has been presented as everything was done right. Mr. Forsberg agrees with Mr. Conroy that this was a nice job. Mr. Nottebart questioned that there is only one group of arborvitaes on the plan and Mr. Fine stated that is correct. Mr. Nottebart doesn't think they need a landscape architect. He questioned the 250 Moosehill Road property and Mr. Fine explained the connection to the school. Mr. Murtagh agrees that what was presented was good. Mr. Conroy questioned the emergency response to this location and Mr. Gagliard stated that both the Walpole Fire and Police have done a great job with response to this school and they are all very familiar with the students. Mr. Forsberg asked if there are any outstanding issues and Ms. Walker stated no, she just needs revised plans. Mr. Macchi asked that the hearing be closed for testimony, but kept open for receipt of the revised plans. He will work with Ms. Walker and the board's secretary on the conditions. Mr. Conroy recommended they not close in case there are problems that arise. Mr. Macchi agreed and gave the board an extension of time up to and including February 28, 2013 on which to take action. Mr. Forsberg moved to accept an extension of time up to and including February 28, 2013. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Forsberg continued this hearing to February 21, 2013 at 7:15 p.m.

**Beatty, Washington and Chestnut Street Appeal Settlement:** Mr. Conroy doesn't think the appeal can be settled or finalized without a vote of acceptance from the Planning Board. Mr. Mazzocca stated that Mr. Forsberg signed off on the release on behalf of the board and Town Counsel, Ilana Quirk signed off for the board on the stipulation of dismissal. Mr. Conroy feels it is wrong that we as a Planning Board did not take a vote to settle or dismiss and have not even seen the settlement agreement. Mr. Mazzocca moved that the Planning Board send a letter to the Selectmen stating that we were not informed of the settlement agreement until after the fact and that because we are the defendants, we believe a vote is needed by our board to finalize the settlement. Motion seconded by Mr. Nottebart and voted 4-0-1 (Mr. Forsberg abstained).

Moved, seconded and voted to adjourn. The meeting adjourned at 10:25 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 2/21/13